

REMARKS

Claims 1 - 40 are pending in the present application. By this Amendment, claims 1, 2, 3, 14, 27, 28, 33 and 40 have been amended. No new matter has been added. Applicants believe that this Amendment is fully responsive to the Office Action dated August 15, 2003.

Examiner Interview:

The courtesy extended by Examiner Rosen during the November 14, 2003 personal interview is gratefully appreciated by the Applicants. The substance of such interview is incorporated into the following remarks.

Claim Objections:

Claims 1 - 25, 27 - 37 and 40 stand objected due to the specific reasons set forth on pages 2 - 4 of the Action.

For independent claims 1, 2, 3 and 14, the Examiner asserts that the claim language, "monitoring the applicant at a remote site" is unclear, because it leaves open what the site is remote from. As such, each of these independent claims have been amended to clarify that the applicant is monitored at a remote site "from said image input unit".

For independent claim 27, the Examiner suggests amending the claim language "reading out data" to --reading out of data--. Accordingly, claim 27 has been amended in the manner suggested by the Examiner.

With regard to independent claim 28, it is respectfully submitted that the recitation in line 2 of "applicants" provides adequate support for the recitation of the "the applicant" in line 9.

Further, each of claims 33 and 40 has been amended to correct their respective informalities. Accordingly, withdrawal of these claim objections are respectfully requested.

As To The Merits:

As to the merits of this case, the Examiner relies on the newly cited reference of "MASTERCARD, Competing Banks Collaborate during First Implementation of SET Interoperability," in setting forth the following rejections:

claims 1-27, 31, 32, 36 and 37 stand rejected under 35 U.S.C. §103(a) based on Watanabe (of record) in view of Sukegawa et al. (of record) and MASTERCARD;

claims 28-30, 33, 34 and 35 stand rejected under 35 U.S.C. §103(a) based on Watanabe in view of Sukegawa et al., Bradley et al. (of record) and MASTERCARD;

claims 38 and 39 stand rejected under 35 U.S.C. §103(a) based on Watanabe in view of Sukegawa et al., Bradley et al. and Nakamura (or record) and Official Notice; and

claim 40 stands rejected under 35 U.S.C. §103(a) based on Watanabe in view of Sukegawa et al. and Official Notice.

Each of these rejections is respectfully traversed.

With regard to the unique feature of the claimed invention concerning the digital camera not only for taking a photograph for the passport but also monitoring the applicants from a remote site, the Examiner asserts that “[i]t can scarcely be maintained that monitoring people using cameras is novel, and in any case, a mere recitation of intended purpose in method claims does not make known apparatus patentable.”¹

Please note that while of course the Examiner is correct in that cameras are used to remotely monitor people, the Examiner fails to appreciate that in the present claimed invention the same camera is used to both monitor an applicant remotely as well as take an image of the applicant for a passport thereby providing a means for monitoring criminals or terrorists without their knowledge.

¹ Please see, lines 14 – 16, page 45 of the Action.

That is, the dual function of the digital camera 14 to take a photo for a passport as well as to provide remote monitoring distinguishes the present claimed invention over the applied art.

Further, with regard to the specific features of independent claims 38 and 39 concerning *the control section communicates with the first host computer and the third host computer through the communication unit so as to identify the applicant based on a result of authentication by the PIN and so as to carry out a procedure for the payment from the account specified by the PIN and the control section indirectly communicates with the second host computer and the third host computer through the first computer, the control section transmits the PIN to the first host computer through the communication unit so as to identify the applicant according to the PIN and so as to carry out a procedure for the payment from the account specified by the PIN,* respectively, the Examiner fails to specifically rely on any of the cited references for teaching these features. Instead, the Examiner merely argues that **Nakamura** in combination with **Sukegawa** teach the PIN-related limitations. Please see, lines 3 – 10, page 46 of the Action.

For at least the foregoing reasons, it is believed that this application is now in condition for allowance which action, at an early date, is requested.

Application No.: 09/199,566
Amendment dated December 15, 2003
Reply to Office Action of August 15, 2003

If, for any reason, it is believed that this application is not in condition for allowance, Examiner is encouraged to contact the Applicants' undersigned attorney at the telephone number below to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

By: _____



Thomas E. Brown
Reg. No.: 44,450
Attorney for Applicants
Tel: (202) 822-1100
Fax: (202) 822-1111

TEB/rer/jnj
Attachments: Petition for Extension of Time w/Fee
Change of Correspondence Address